



TWEED
SHIRE COUNCIL

Mayor: Cr B Longland

Councillors: M Armstrong (Deputy Mayor)
G Bagnall
C Byrne
K Milne
W Polglase
P Youngblutt

Minutes

Ordinary Council Meeting Thursday 4 September 2014

held at Murwillumbah Cultural and Civic Centre
commencing at 5.00pm

COUNCIL'S CHARTER

Tweed Shire Council's charter comprises a set of principles that are to guide Council in the carrying out of its functions, in accordance with Section 8 of the Local Government Act, 1993.

Tweed Shire Council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively;
- to exercise community leadership;
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism;
- to promote and to provide and plan for the needs of children;
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development;
- to have regard to the long term and cumulative effects of its decisions;
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible;
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government;
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants;
- to keep the local community and the State government (and through it, the wider community) informed about its activities;
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected;
- to be a responsible employer.

The Meeting commenced at 5.42pm.

IN ATTENDANCE

Cr B Longland (Mayor), Cr M Armstrong (Deputy Mayor), Cr G Bagnall, Cr K Milne, Cr W Polglase and Cr P Youngblutt.

Also present were Mr Troy Green (General Manager), Mr Neil Baldwin (Acting Director Corporate Services), Mr David Oxenham (Director Engineering), Mr Vince Connell (Director Planning and Regulation), Ms Jane Lofthouse (Acting Director Community and Natural Resources), Mr Shane Davidson (Executive Officer) and Miss Janet Twohill (Minutes Secretary).

APOLOGIES

Attendee **Cr C Byrne** has informed the General Manager that her absence is due to attending the CBD and Town Centre Design and Revitalisation Conference in Melbourne.

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**Cr B Longland
Cr P Youngblutt**

RESOLVED that the apology of **Cr C Byrne** be accepted and the necessary leave of absence be granted.

***FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr C Byrne***

CONFIRMATION OF PLANNING COMMITTEE MINUTES

1 [CONMIN] Adoption of the Recommendations of the Planning Committee Meeting held Thursday 4 September 2014

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**Cr B Longland
Cr K Milne**

RESOLVED that the recommendations of the Ordinary Planning Committee Meeting held Thursday 4 September 2014 be adopted.

2. **[PR-PC] Development Application DA13/0383 for Redevelopment Of 'Jenners Corner' Site Incorporating a Boat Showroom, Boating Facility, Two Cafes and Caretakers Residence at Lot 1 DP 119054 & Lot 1 DP 341470 & Lot A DP 373769 No. 120 Chinderah Bay Drive, Chinderah; Lot 1 DP 382677 & Lot C DP 373769 No. 122 Chinderah Bay Drive, Chinderah; Lots 1-3 DP 415533 Nos. 126-130 Chinderah Bay Drive, Chinderah**

RECOMMENDED that:

1. ATTACHMENTS 1 & 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

2. Development Application DA13/0383 for redevelopment of 'Jenners Corner' site incorporating a boat showroom, boating facility, two cafes and caretakers residence at Lot 1 DP 119054 & Lot 1 DP 341470 & Lot A DP 373769 No. 120 Chinderah Bay Drive, Chinderah; Lot 1 DP 382677 & Lot C DP 373769 No. 122 Chinderah Bay Drive, Chinderah; Lots 1-3 DP 415533 Nos. 126-130 Chinderah Bay Drive, Chinderah be refused for the following reasons:
 1. Pursuant to Section 79C (1)(a)(i) of the Environmental Planning & Assessment Act 1979, the proposed development is not considered to be compliant with Environmental Planning Instruments.

The proposed development does not satisfy the provisions contained within:

The Environmental Planning & Assessment Act 1979, section 5(a) Objects of the Act:

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
- (ii) the promotion and co-ordination of the orderly and economic use and development of land,
- (iii) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and
- (iv) ecologically sustainable development,

Tweed Shire Local Environment Plan 2000:

- Clause 4: Aims of this plan
 - Clause 5: Ecologically sustainable development
 - Clause 8(1): Consent Considerations
2. The development does not satisfy Section 79C Section (1)(a)(ii) of the Environmental Planning and Assessment Act - the provisions of any Draft Environmental Planning Instruments in that boat storage is prohibited within the B4 Mixed Use Business zone.
 3. The development does not satisfy Section 79C of the Environmental Planning and Assessment Act, Section (1)(a)(ii) - the provisions of any Draft Environmental Planning Instruments in that boat storage does not satisfy the objectives of the B4 Mixed Use Business zone, and the development precludes public transport by the nature of the use requiring private vehicles.
 4. Pursuant to Section 79C (1)(b) of the Environmental Planning & Assessment Act 1979, the proposed development is not considered to be compliant due to impacts on the natural and built environments, and social and economic impacts in the locality, including the additional burden placed on associated public infrastructure required to service the development, the potential to indirectly exacerbate riverbank erosion, impact on marine ecology, and exceed the environmental carrying capacity of the River.
 5. Pursuant to the section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, the site is unsuitable for the development due to the impact of the predominant and extensive storage use proposed in this prime central business area, and given that land with industrial zoning is located in close proximity.
 6. Pursuant to the section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, the development is not considered to be in the public interest.

3 [PR-CM] Development Application DA14/0013 for a Boundary Adjustment at Lot 2 DP 1130911 No. 707 Limpinwood Road, Limpinwood; Lot 136 DP 755724 Tyalgum Road, Tyalgum

RECOMMENDED that Development Application DA14/0013 for a boundary adjustment at Lot 2 DP 1130911 No. 707 Limpinwood Road, Limpinwood; Lot 136 DP 755724; Tyalgum Road, Tyalgum be refused for the following reasons:

1. The development is not considered to be consistent with clause 4 - The aims of the Tweed Local Environmental Plan 2000;
2. The development is not considered to satisfy Clause 8(1)(b) - Consent Considerations of the Tweed Local Environmental Plan 2000 as the

development is considered not to be in accordance with the aims and objectives of the plan relevant to the development;

3. The development is not considered to satisfy Clause 8(1)(c) - Consent Considerations of the Tweed Local Environmental Plan 2000 as the development is considered to have an unacceptable cumulative impact on the community, locality and catchment;
 4. The development is not considered to satisfy Clause 39A(2)(d) - Bushfire Protection of the Tweed Local Environmental Plan 2000 as the development is considered to have an unacceptable bushfire risk;
 5. The development is not considered to satisfy Clause 7.10(e) - Essential Services of the Draft Local Environmental Plan 2014 as the development fails to provide suitable vehicular access to proposed Lot 2;
 6. The development is not considered to satisfy the aims of Section A2 - Site Access and Parking Code of the Tweed Development Control Plan 2008 as the proposal does not provide safe, convenient and equitable access to development land for pedestrians, cyclists, motorists and public transport users;
 7. The development is not considered to satisfy Section A5 - Subdivision Manual of the Tweed Development Control Plan 2008 as the proposal does not provide access to a public road that is readily upgraded to all weather two wheel drive standard and is not safe from bushfire;
 8. The development is not considered to satisfy Section 100B of the Rural Fires Act 1997 as the proposal does not provide access that can comply with Planning for Bush Fire Protection 2006; and
 9. Landowners consent has not been provided for the proposed access through proposed Lot 1.
- 4 **[PR-PC] Development Application DA14/0050 for a Detached Dual Occupancy at Lot 7 DP 22375 No. 204 Kennedy Drive Tweed Heads West**

RECOMMENDED that Development Application DA14/0050 for a detached dual occupancy at Lot 7 DP 22375; No. 204 Kennedy Drive, Tweed Heads West be deferred for a workshop on the impacts of the development on Terranora Broadwater and be brought back to the October Planning Committee Meeting.

- 5 **[PR-PC] Development Application DA14/0164 for Dual Use of Existing Tourist Accommodation - Residential and Tourist Accommodation at Lots 1-41 SP 76023 Nos. 1-41/27-37 Bells Boulevard, Kingscliff**

RECOMMENDED that Development Application DA14/0164 for dual use of existing tourist accommodation - residential and tourist accommodation at Lots

1-41 SP 76023 Nos. 1-41/27-37 Bells Boulevard, Kingscliff be refused for the following reasons:

1. The development does not satisfy Section 79C of the Environmental Planning and Assessment Act, particularly Section (a)(i) – the provisions of any Environmental Planning Instruments in that the application has not considered SEPP 65 – The Design Quality of Residential Flat Development.
2. The development does not satisfy Section 79C of the Environmental Planning and Assessment Act, particularly Section (a)(ii) – the provisions of any Draft Environmental Planning Instruments in that the development is prohibited within the SP3 Tourist zone.
3. The development does not satisfy Section 79C of the Environmental Planning and Assessment Act, particularly Section (a)(ii) – the provisions of any Draft Environmental Planning Instruments in that the development is inconsistent with the objectives of the SP3 Tourist zone.
4. The development does not satisfy Section 79C of the Environmental Planning and Assessment Act, particularly Section (a)(iii) – the provisions of any Development Control Plan in that the development is inconsistent with the Development Control Plan Section A1 – Residential Development Code.
5. The development does not satisfy Section 79C of the Environmental Planning and Assessment Act, particularly Section (a)(e) - *the public interest* in that the development is not considered to be in the public interest.

6 [PR-PC] Development Application DA14/0257 for a Dwelling and Secondary Dwelling at Lot 57 DP 1092504; No. 38 Sunnycrest Drive Terranora

DISCLOSURE OF PECUNIARY INTEREST

Troy Green declared a Pecuniary Interest in this item as he is a joint property owner within Azure. Mr Green will vacate the Chamber during the discussion and voting on this matter.

RECOMMENDED that Development Application DA14/0257 for a dwelling and secondary dwelling at Lot 57 DP 1092504 No. 38 Sunnycrest Drive, Terranora be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and plans referred to as:
 - Drawing No. DA-02 Revision 8 (Site/Roof Plan) prepared by cMacd Consulting and Design and dated 28 July 2014

- Drawing No. DA-03 Revision 8 (Floor Plans) prepared by cMacd Consulting and Design and dated 28 July 2014
- Drawing No. DA-04 Revision 8 (Ground Floor Plan) prepared by cMacd Consulting and Design and dated 28 July 2014
- Drawing No. DA-05 Revision 8 (Upper Floor Plan) prepared by cMacd Consulting and Design and dated 28 July 2014
- Drawing No. DA-06 Revision 8 (Lower Floor Plan) prepared by cMacd Consulting and Design and dated 28 July 2014
- Drawing No. DA-07 Revision 9 (Landscape Concept Plan) prepared by cMacd Consulting and Design and dated 6 August 2014
- Drawing No. DA-08 Revision 8 (Rainwater, Stormwater, Erosion & Sediment Control) prepared by cMacd Consulting and Design and dated 28 July 2014
- Drawing No. DA-09 Revision 8 (North / South Elevations) prepared by cMacd Consulting and Design and dated 28 July 2014
- Drawing No. DA-10 Revision 8 (East / West Elevations) prepared by cMacd Consulting and Design and dated 28 July 2014
- Drawing No. DA-11 Revision 8 (Sections A to C) prepared by cMacd Consulting and Design and dated 28 July 2014
- Drawing No. DA-12 Revision 8 (Sections D to J) prepared by cMacd Consulting and Design and dated 28 July 2014
- Drawing No. DA-13 Revision 9 (Perspectives) prepared by cMacd Consulting and Design and dated 6 August 2014
- Drawing No. DA-17 Revision 9 (Height Study & Gate, B1 & M Sections) prepared by cMacd Consulting and Design and dated 6 August 2014
- Drawing No. DA-18 Revision 9 (Height Study with 'Glass' Height Plane) prepared by cMacd Consulting and Design and dated 6 August 2014,

except where varied by the conditions of this consent.

[GEN0005]

2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
[GEN0115]
3. This development consent relates to a private residential use of the land as identified in the Statement of Environmental Effects and approved plans.
[GENNS001]
4. A report prepared by a registered surveyor is to be submitted to the principal certifying authority at footing stage and at the completion of the building works indicating that the retaining walls and the like have been correctly positioned on the site and have been located clear of the easements.
[GENNS002]
5. Landscaping, excavation or location of services/structures within Council's drainage easement is not permitted.

[GENNS03]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

6. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for all retaining walls/footings/structures etc taking into consideration the zone of influence on the sewer main or other underground infrastructure and include a certificate of sufficiency of design prior to the determination of a construction certificate.

[PCC0935]

7. The footings and floor slab are to be designed by a practising Structural Engineer after consideration of a soil report from a NATA accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

[PCC0945]

8. A construction certificate application for works that involve any of the following:

- connection of a private stormwater drain to a public stormwater drain
- installation of stormwater quality control devices
- erosion and sediment control works

will not be approved until prior separate approval to do so has been granted by Council under Section 68 of the Local Government Act.

- a) Applications for these works must be submitted on Council's standard Section 68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.
- b) Where Council is requested to issue a construction certificate for subdivision works, the abovementioned works can be incorporated as part of the construction certificate application, to enable one single approval to be issued. Separate approval under Section 68 of the Local Government Act will then NOT be required.

[PCC1145]

9. Erosion and Sediment Control shall be provided in accordance with the following:

- (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
- (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[PCC1155]

10. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage, on site sewerage management system or drainage works including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works, prior to the issue of a construction certificate.

[PCC1195]

PRIOR TO COMMENCEMENT OF WORK

11. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

[PCW0005]

12. The erection of a building in accordance with a development consent must not be commenced until:

(a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and

(b) the person having the benefit of the development consent has:

(i) appointed a principal certifying authority for the building work, and

(ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and

(c) the principal certifying authority has, no later than 2 days before the building work commences:

(i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and

(ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

(d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:

- (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
- (ii) notified the principal certifying authority of any such appointment, and
- (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[PCW0215]

13. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.

[PCW0225]

14. Residential building work:

- (a) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:

- * in the name and licence number of the principal contractor, and
- * the name of the insurer by which the work is insured under Part 6 of that Act,

- (ii) in the case of work to be done by an owner-builder:

- * the name of the owner-builder, and
- * if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.

- (b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0235]

15. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one closet for every 15 persons or part of 15 persons employed at the site. Each toilet provided must be:
- (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council

[PCW0245]

16. Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[PCW0255]

17. Prior to commencement of building works a stormwater drainage plan is to be submitted to and approved by the Principal Certifying Authority.

[PCW0955]

18. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area, where required. These measures are to be in accordance with the approved erosion and sedimentation control plan and adequately maintained throughout the duration of the development.

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

This sign is to remain in position for the duration of the project.

[PCW0985]

19. Prior to the commencement of work on the stormwater system a site inspection is to be arranged with the Principal Certifying Authority to discuss site drainage.

[PCW0995]

20. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. Note All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the Principal Certifying Authority prior to commencement of building works.

[PCW1005]

21. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of a new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

[PCW1170]

DURING CONSTRUCTION

22. All proposed works are to be carried out in accordance with the conditions of development consent, approved management plans, approved construction certificate, drawings and specifications.

[DUR0005]

23. Construction and/or demolition site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council:

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

24. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

[DUR0375]

25. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

[DUR0395]

26. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection

nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

[DUR0405]

27. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Work Health and Safety Regulation 2011.

[DUR0415]

28. The finished floor level of the building should finish not less than 225mm above finished ground level.

[DUR0445]

30. A survey certificate from a Registered Surveyor is to be submitted to the Principal Certifying Authority at garage slab or footing stage, prior to pouring concrete, to confirm that the approved driveway gradients will be achieved.

[DUR0475]

31. The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development consent.

[DUR0905]

32. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:

- Noise, water or air pollution.
- Dust during filling operations and also from construction vehicles.
- Material removed from the site by wind.

[DUR1005]

33. Landscaping of the site shall be carried out in accordance with the approved landscaping plans.

[DUR1045]

34. The developer/contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times.

[DUR2015]

35. Swimming Pools (Building)

(a) The swimming pool is to be installed and access thereto restricted in accordance with Australian Standard AS 1926.1 - 2012 & AS 1926.2 -2007, the Swimming Pool Act 1992 and the Swimming Pool Regulation 2008.

(b) Swimming pools shall have suitable means for the drainage and disposal of overflow water.

- (c) The pool pump and filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.
 - (d) Warning notices are to be provided in accordance with Part 3 of the Swimming Pool Regulations 2008.
 - (e) Once your pool or spa is complete please register it at www.swimmingpoolregister.nsw.gov.au.
[DUR2075]
36. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blown from the site.
[DUR2185]
37. The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed.
[DUR2245]
38. The site shall not be dewatered, unless written approval to carry out dewatering operations is received from the Tweed Shire Council General Manager or his delegate.
[DUR2425]
39. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- (a) internal drainage, prior to slab preparation;
 - (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - (c) external drainage prior to backfilling.
 - (d) completion of work and prior to occupation of the building.
[DUR2485]
40. Plumbing
- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
 - (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the Plumbing Code of Australia and AS/NZS 3500.
[DUR2495]
41. An isolation cock is to be provided to the water services for each dwelling in a readily accessible and identifiable position.
[DUR2505]
42. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.
[DUR2545]

43. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- * 45°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50°C in all other classes of buildings.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

[DUR2555]

44. Swimming pool pumps, air conditioning units, heat pump water systems and the like shall be located, installed and operated so as not to be heard in a habitable room of a residence during restricted hours or where it would create offensive noise as defined within the NSW Protection of the Environment Operations (Noise Control) Regulation 2008.

[DUR2835]

45. All roof waters shall be conveyed directly to a rainwater tank on the land which has a holding capacity of at least 5,000 litres. All roof water overflow from the tank shall be discharged to infiltration pits with a minimum size of two cubic metres. The surcharge from these pits must be allowed to flow overland through vegetated areas within each allotment. Any rainwater tanks to be installed are to be connected in accordance with Council's 'Rainwater Tank' policy document, and all associated pipe work is to be installed in accordance with Australian Standard AS3500.1.

[DURNS01]

46. Backwash from the swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9. The swimming pool back wash water volume should not exceed 667 litres. If greater backwash water volumes are required to be discharged to the sewerage system, a balancing tank will be required to be provided upstream from the pump well. Prior to installation of the balancing tank, design plans with supporting hydraulic calculations are to be submitted to and approved by Tweed Shire Council's Engineering Services Division.

[DURNS02]

47. The construction of a low pressure sewerage pumping unit is required on the subject lot to discharge sewage generated on the property to Council's sewerage system. The sewerage pumping unit will be supplied and installed by Council's nominated plumbing and electrical contractors and will remain the property of Council.

Unrestricted access shall be provided to Council to facilitate maintenance of the sewerage pumping unit in accordance with the terms of the positive covenant on the property title of the subject lot.

A copy of the "Low pressure Sewage Pumping System User Guide" is supplied with this development consent and shall be adhered to by the

householder.

Tweed Shire Council's Engineering Services Division is to be given 48 hours notice prior to the installation of the low pressure sewerage pumping unit. Please contact Gary Cain on (02) 6670 2600.

[DURNS03]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

48. Prior to issue of an occupation certificate, all works/actions/inspections etc required at that stage by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.

[POC0005]

49. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

50. Prior to the issue of an occupation certificate,

(a) Certification of termite protection methods performed by the person carrying out the works is to be submitted to the PCA; and

(b) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-

(i) the method of protection; and

(ii) the date of installation of the system; and

(iii) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and

(iv) the need to maintain and inspect the system on a regular basis.

[POC0235]

51. Application is to be made to Tweed Shire Council for a street address number. The number is to be prominently displayed prior to the occupation of the building.

[POC0245]

52. Prior to occupation of the building the property street number is to be clearly identified on the site by way of painted numbering on the street gutter within 1 metre of the access point to the property.

The street number is to be on a white reflective background professionally painted in black numbers 100mm high.

On rural properties or where street guttering is not provided the street number is to be readily identifiable on or near the front entrance to the site.

For multiple allotments having single access points, or other difficult to identify properties, specific arrangements should first be made with Council and emergency services before street number identification is provided.

The above requirement is to assist in property identification by emergency services and the like. Any variations to the above are to be approved by Council prior to the carrying out of the work.

[POC0265]

53. A final occupation certificate must be applied for and obtained within 6 months of any Interim Occupation Certificate being issued, and all conditions of this consent must be satisfied at the time of issue of a final occupation certificate (unless otherwise specified herein).

[POC0355]

54. All landscaping work is to be completed in accordance with the approved plans prior to the issue of a final occupation certificate for the building.

[POC0475]

55. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.

[POC1045]

56. Prior to the issue of a final occupation certificate, a restriction as to user on the title of the subject site shall be created in accordance with the Conveyancing Act 1919 for the purposes of prohibiting subdivision of the development.

[POCNS01]

USE

57. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like.

[USE0125]

58. Subdivision of the development, including strata subdivision, is not permitted.

[USE1255]

7 [PR-PC] Class 1 Appeal - Development Application DA13/0201 for a Telecommunications Facility at Lot 100 DP 1192162 (Formerly Lot 1 DP 397082) Depot Road, Kings Forest

RECOMMENDED that Council's solicitors be engaged to defend the appeal for Development Application DA13/0201 for a telecommunications facility at Lot 100 DP 1192162 (formerly Lot 1 DP 397082) Depot Road, Kings Forest.

8 [PR-PC] Planning Proposal (PP13/0002) for Rezoning Part of Lot 10 DP 1190061 at Barneys Road, Banora Point

RECOMMENDED that:

1. A Planning Proposal to facilitate rezoning of part of Lot 10 DP 1190061 and a portion of adjoining road reserve, as shown on Figure 3, be prepared and submitted to the 'Gateway', as administered by the NSW Planning & Environment, for a determination;
2. The Minister for Planning & Environment or nominated Delegate be advised that Tweed Council is NOT seeking plan making delegations for this planning proposal;
3. Upon receiving an affirmative Determination Notice from the NSW Planning & Environment any additional studies or work required in satisfaction of demonstrating the suitability of the proposed zone, including Aboriginal Cultural Heritage Due Diligence Assessment, are to be completed;
4. On satisfactory completion of the Planning Proposal it is to be publicly exhibited in accordance with the Minister's Determination Notice or where there is no such condition for a period not less than 28 days; and
5. Following public exhibition of the Planning Proposal a report is to be submitted to Council at the earliest time detailing the content of submissions received and how those, if any, issues have been addressed.

9 [PR-PC] Planning Proposal PP14/0002 Kingscliff (Formerly Lot 490) - UPDATE

RECOMMENDED that:

1. The Notice of Motion of 10 April 2014 be amended to include Lots 1 and 2 DP 1117599; and
2. The planning proposal for rezoning of Lots 1 and 2 DP 1117599 from SP3 Tourist to E2 Environmental Conservation be referred to the Department of Planning and Environment for a formal response.

10 [PR-PC] Update on Strategic Planning and Urban Design Unit Work Program Planning Proposals Termination of Specific and Targeted Planning Proposals

RECOMMENDED that:

1. Council defers consideration of the officers' recommendation to discontinue Planning Proposal PP10/0005 Hundred Hills Murwillumbah until the October Planning Committee Meeting; and
2. The Proponent's request to discontinue Planning Proposal PP12/0003 Palms Village Caravan Park, Tweed Heads, and PP10/0004 Enterprise

Avenue, Tweed Heads, is accepted. That the Work Plan 2014/15 is amended to remove all reference to these items; and

3. The General Manager writes to the General Manager, Northern Region, Department of Planning and Environment to advise on the status of the planning proposals discussed within this report and to raise awareness of the significant resource impact on councils arising from planning proposal requests that are made permissible under the current legislative scheme.

11 [PR-PC] Draft Design Excellence Guideline

RECOMMENDED that this item be deferred for a workshop to consider the option of providing the jury panel the opportunity to include consideration of public preferences on the various designs and the option of including a Green Star rating.

12 [PR-PC] Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards

RECOMMENDED that Council notes the August 2014 Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

There being no further business the Meeting terminated at 5.44PM



Minutes of Meeting Confirmed by Council

at the

Council Meeting held on xxx

Chairman